DOCUMENT RESUME

ED 134 003 FL 008 313

AUTHOR Salamanca, Anthony J.
TITLE Bilingual/Cross-Cultural Teacher Shortage in California. Position Paper.
INSTITUTION California State Commission for Teacher Preparation and Licensing, Sacramento.
PUB DATE Jun 74
NOTE 32p.; Paper presented at Bilingual/Cross-Cultural Teacher Preparation Workshop (San Diego, June 20-22, 1974)

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS American Indians; Asian Americans; Biculturalism; *Bilingual Education; Bilingualism; Bilingual Students; Bilingual Teacher Aides; *Bilingual Teachers; Chinese Americans; Educational Legislation; Elementary Secondary Education; English (Second Language); Ethnic Groups; Filipino Americans; Japanese Americans; Mexican Americans; Needs Assessment; *Non English Speaking; Portuguese Americans; Second Language Learning; Spanish Speaking; *Statistical Data; Supreme Court Litigation; Surveys; Tables (Data); Teacher Education; Teacher Qualifications; *Teacher Shortage; *Teacher Supply and Demand
IDENTIFIERS *California; Lau v Nichols

ABSTRACT

This position paper gives the results of informal surveys carried out by the Bilingual-Bicultural Task Force of the California State Department of Education. Only 60 to 65% of the teachers in the state bilingual programs are judged bilingual and 50% bilingual-biliterate. Almost all of the teacher aides are judged bilingual, and a large percentage are judged bilingual and biliterate. There is, therefore, a critical shortage of qualified bilingual/cross-cultural classroom teachers for bilingual programs. Another area that shows a need for qualified teachers is the area of "Special Instruction." In accordance with the Supreme Court decision in the Lau v. Nichols case, California public schools must give special English instruction to 188,159 limited-English and non-English speaking public school pupils. Thus, there is an immediate need for several thousand qualified bilingual teachers to give this special instruction. Appendix I gives the text of the Supreme Court's Lau decision. Appendix II gives the number of non-English-speaking pupils in California public schools by grade (kindergarten through 12) and primary language for 1972-73. Appendix III presents a summary of selected public-school pupil data by racial and ethnic groups, as of fall 1973. Appendix IV gives, by language, the total number of limited- and non-English-speaking pupils in California public schools in 1972-73, for Spanish and Asian language groups. Appendix V gives the statewide total of classroom teachers, 1967-73, by racial and ethnic groups. (CFM)

Documents acquired by ERIC include many informal unpublished materials not available from other sources. ERIC makes every effort to obtain the best copy available. Nevertheless, items of marginal reproducibility are often encountered and this affects the quality of the microfiche and hardcopy reproductions ERIC makes available via the ERIC Document Reproduction Service (EDRS). EDRS is not responsible for the quality of the original document. Reproductions supplied by EDRS are the best that can be made from the original.

ED134003

STATE OF CALIFORNIA
RONALD REAGAN, Governor
COMMISSION FOR TEACHER PREPARATION AND LICENSING
1020 O STREET
SACRAMENTO 95814

BILINGUAL/CROSS-CULTURAL TEACHER PREPARATION WORKSHOP

VACATION VILLAGE HOTEL
MISSION BAY
SAN DIEGO, CALIFORNIA

JUNE 20-22, 1974

U S DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

SPONSORED
BY
COMMISSION FOR TEACHER PREPARATION AND LICENSING

POSITION PAPER

BILINGUAL/CROSS-CULTURAL TEACHER SHORTAGE IN CALIFORNIA

Anthony J. Salamanca
Consultant, Teacher Preparation
Commission for Teacher
Preparation and Licensing
June, 1974

FL008313

STATE OF CALIFORNIA
RONALD REAGAN, Governor
COMMISSION FOR TEACHER PREPARATION AND LICENSING
1020 O STREET
SACRAMENTO 95814

BILINGUAL/CROSS-CULTURAL TEACHER SHORTAGE IN CALIFORNIA

There has been bilingual classroom instruction in California since the Elementary/Secondary Education Act (E.S.E.A.) Title VII Bilingual Education funding in 1968-69. In 1972 the State Legislature enacted a State Bilingual Education Act. Fifty-eight E.S.E.A. Title VII bilingual programs are funded for approximately 10.0 million dollars and sixty-nine state bilingual programs are funded for approximately 3.5 million dollars this school year, 1973-74.

In 1972 the Bilingual-Bicultural Task Force of the State Department of Education made an informal survey* which showed that of the approximately six hundred (600) E.S.E.A. Title VII certificated classroom teachers, approximately twenty-five percent (25%) were bilingual and only half of these were bilingual and biliterate. These same programs employ approximately six hundred (600) teacher aides all of whom were judged bilingual and a full fifty percent (50%) were judged bilingual and biliterate by their program director. According to the latest

*State Department of Education, Bilingual-Bicultural Task Force Survey (1972)

information available from the staff of the Task Force, the State Bilingual Programs use approximately seven hundred and ninety (790) teachers with only approximately sixty to sixty-five percent (60-65%) being judged bilingual and only half of these being judged bilingual-biliterate. The same programs employ approximately five hundred and eighty (580) teacher aides, almost all of whom are judged bilingual and a large percentage are judged bilingual and biliterate.

Bilingual programs have been funded for the following groups in California:

Chinese, Chinese American (Mandarin)
Filipino, Filipino American (Tagolog)
Japanese, Japanese American
Portuguese, Portuguese American
Spanish speaking (Chicano, Latino, Mexican, Mexican-American, Central American, South American, Puerto Rican, and other Spanish speaking)

Statistics cited earlier show that California is currently faced with a shortage of qualified bilingual/cross-cultural classroom teachers for currently funded federal and state bilingual programs. Next year with the likelihood of an increase in funds for bilingual programs an even more critical shortage of qualified bilingual/cross-cultural classroom teacher for bilingual programs will be faced.

Another area that shows a need for qualified bilingual/cross-cultural teachers is the area of "Special Instruction" for the limited-English speaking and monolingual non-English

speaking public school children. The Supreme Court held, in Lau vs. Nichols,[1] a case involving the San Francisco Unified School District:

> "Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program. . . the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

Although the suit was filed on behalf of a non-English speaking Chinese public school pupil, the ruling seems to cover all non-English speaking and limited-English speaking public school pupils. California public schools have identified 188,159[2] limited-English speaking and non-English speaking pupils. Thus, there is an immediate need for several thousand qualified bilingual teachers to give "Special Instruction". The two racial/ethnic groups showing the largest numbers of limited-English speaking and non-English speaking pupils are the Asian and Spanish speaking. The Fall 1973 Racial/Ethnic survey[3] shows that Asian pupils number 133,717, 3% of the total student population, and the Spanish surname pupils number 765,863, 17.2% of the total student population. Among

---

[1]Supreme Court of the United States, Syllabus, LAU et al. v. NICHOLS et al. (Appendix I)

[2]Limited-English, Non-English Speaking Pupils in California Public Schools, by Grade and Primary Language, 1972-73 (Appendix II)

[3]California State Department of Education, Office of Program Evaluation and Research, Fall 1973 Racial/Ethnic Survey (Appendix III)

the limited-English speaking, the Asians number 9,373[4], Spanish speaking number 115,434[5] and for the non-English speaking, Asians number 1,630, Spanish speaking number 43,456. From fall 1971 to 1973 Asian pupils increased by 35,739 for a 36.4% increase[6]. During the same period Spanish surname pupils increased by 40,636 for a 5.6% increase[7]. The State Racial/Ethnic Survey (1973) shows that there are only 4,641 Asian classroom teachers for 2.1% of the total and only 5,834 Spanish surname classroom teachers for only 3.3% of the total. By contrast White classroom teachers number 152,992 for 88.5% of the total, although White pupils make up only 69.5% of all pupils. The ratio for all classroom teachers to pupils is 1 to 25 (1973). In contrast Asian classroom teachers to Asian pupils is 1 to 28.8. Spanish surname classroom teachers to Spanish surname pupils is 1 to 132.6. From 1971 to 1973 there was an increase of one Asian classroom teacher for every 55 Asian pupil increase. Among the Spanish surname classroom teachers there was an increase of one classroom teacher for every 38 Spanish surname pupil increase. Two informal surveys*

---

[4]Asian Language Groups and Spanish Speaking (Appendix IV)

[5]Ibid

[6]Appendix II op. cit.

[7]Ibid

*State Department of Education, Bilingual-Bicultural Task Force (1972) Commission for Teacher Preparation and Licensing (1973)

indicate in their preliminary findings that not all Asian and Spanish surname teachers are bilingual. The survey indicates that relatively few of these teachers go through teacher preparation programs specifically focusing on bilingual teacher preparation. Informal spot surveys of some of California's larger urban school districts indicate that most of the teacher vacancies occur in the inner city. These sectors of the city are generally the lower-socio-economic sectors of the city. The schools in these areas are usually over fifty percent (50%) Asian/Black/Spanish surnamed pupils. The Fall 1973 Racial/Ethnic Survey shows that minorities compose over 30% of all public school pupils for a total of 1,355,700 pupils. More than ever before we need teachers that are specially prepared to teach the linguistically and culturally different child. Racial and ethnic minorities are increasing at a much faster rate than white pupil population. From 1971 to 1973 Asian pupils increased by 36.4%, Spanish surname by 5.6%, Black by 2.5% and whites showed a 4.2% drop in pupil population.[8] Colleges and universities programs throughout California are beginning to direct their time, attention and resources to preparing teachers to meet the current job market demands made on them in today's school world. A new teacher is very likely to have his/her first teaching assignment in an urban school district, inner-city, area of transi-

---

[8]Appendix V

tion, lower-socio-economic school where the majority of pupils are Asian/Black/Spanish surname/Native American, bilingual, bicultural.

Anthony J. Salamanca
Consultant, Teacher Preparation
Commission for Teacher
Preparation and Licensing
June, 1974

(Slip Opinion)

JAN 24 1974

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

LAU ET AL. *v.* NICHOLS ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 72-6520. Argued December 10, 1973—Decided January 21, 1974

The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English denies them a meaningful opportunity to participate in the public educational program and thus violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving federal financial assistance," and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 2-6.

483 F. 2d 791, reversed.

DOUGLAS, J., delivered the opinion of the Court, in which BRENNAN, MARSHALL, POWELL, and REHNQUIST, JJ., joined. STEWART, J., filed an opinion concurring in the result, in which BURGER, C. J., and BLACKMUN, J., joined. WHITE, J., concurred in the result. BLACKMUN, J., filed an opinion concurring in the result, in which BURGER, C. J., joined.

APPENDIX I

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 72-6520

Kinney Kinmon Lau, a Minor by and Through Mrs. Kam Wai Lau, His Guardian ad litem, et al., Petitioners, v. Alan H. Nichols et al.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[January 21, 1974]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

The San Francisco California school system was integrated in 1971 as a result of a federal court decree, 339 F. Supp. 1315. See *Lee* v. *Johnson*, 404 U. S. 1215. The District Court found that there are 2,856 students of Chinese ancestry in the school system who do not speak English. Of those who have that language deficiency, about 1,000 are given supplemental courses in the English language.[1] About 1,800 however do not receive that instruction.

[1] A reported adopted by the Human Rights Commission of San Francisco and submitted to the Court by respondent after oral argument shows that, as of April 1973, there were 3,457 Chinese students in the school system who spoke little or no English. The document further showed 2,136 students enrolled in Chinese special instruction classes, but at least 429 of the enrollees were not Chinese but were included for ethnic balance. Thus, as of April 1973, no more than 1,707 of the 3,457 Chinese students needing special English instruction were receiving it.

This class suit brought by non-English speaking Chinese students against officials responsible for the operation of the San Francisco Unified School District seeks relief against the unequal educational opportunities which are alleged to violate the Fourteenth Amendment. No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioner asks only that the Board of Education be directed to apply its expertise to the problem and rectify the situation.

The District Court denied relief. The Court of Appeals affirmed, holding that there was no violation of the Equal Protection Clause of the Fourteenth Amendment nor of § 601 of the Civil Rights Act of 1964, which excludes from participation in federal financial assistance, recipients of aid which discriminate against racial groups, 483 F. 2d 791. One judge dissented. A hearing *en banc* was denied, two judges dissenting. *Id.*, at 805.

We granted the petition for certiorari because of the public importance of the question presented, 412 U. S. 938.

The Court of Appeals reasoned that "every student brings to the starting line of his educational career different advantages and disadvantages caused in part by social, economic and cultural background, created and continued completely apart from any contribution by the school system," 483 F. 2d, at 497. Yet in our view the case may not be so easily decided. This is a public school system of California and § 571 of the California Education Code states that "English shall be the basic language of instruction in all schools." That section permits a school district to determine "when and under what circumstances instruction may be given bilingually." That section also states as "the policy of the state" to

insure "the mastery of English by all pupils in the schools." And bilingual instruction is authorized "to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language."

Moreover § 8573 of the Education Code provides that no pupil shall receive a diploma of graduation from grade 12 who has not met the standards of proficiency in "English," as well as other prescribed subjects. Moreover by § 12101 of the Education Code children between the ages of six and 16 years are (with exceptions not material here) "subject to compulsory full-time education."

Under these state-imposed standards there is no equality of treatment merely by providing students with the same facilities, text books, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.

We do not reach the Equal Protection Clause argument which has been advanced but rely solely on § 601 of the Civil Rights Act of 1964, 42 U. S. C. § 2000 (d) to reverse the Court of Appeals.

That section bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving federal financial assistance." The school district involved in this litigation receives large amounts of federal financial assistance. HEW, which has authority to promulgate regulations prohibiting discrimination in federally assisted school systems, 42 U. S. C. § 2000 (d),

in 1968 issued one guideline that "school systems are responsible for assuring that students of a particular race, color, or national origin are not denied the opportunity to obtain the education generally obtained by other students in the system." 35 CFR § 4955. In 1970 HEW made the guidelines more specific, requiring school districts that were federally funded "to rectify the language deficiency in order to open" the instruction to students who had "linguistic deficiencies," 35 Fed. Reg. 11595.

By § 602 of the Act HEW is authorized to issue rules, regulations, and orders[2] to make sure that recipients of federal aid under its jurisdiction conduct any federal financed projects consistently with § 601. HEW's regulations specify, 45 CFR § 80.3 (b)(1), that the recipients may not:

> "Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
>
> . . . . .
>
> "Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program";

Discrimination among students on account of race or national origin that is prohibited includes "discrimination

---

[2] Section 602 provides:

"Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. . . ."

in the availability or use of any academic . . . or other facilities of the grantee or other recipient." *Id.*, 80.5 (b).

Discrimination is barred which has that *effect* even though no purposeful design is present: a recipient "may not . . . utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination" or has "the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin." *Id.*, 80.3 (b(2).

It seems obvious that the Chinese-speaking minority receives less benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by the Regulations.[3] In 1970 HEW issued clarifying guidelines (35 Fed. Reg. 11595) which include the following:

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." (Pet. Br. App. 1a).

"Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track." (Pet. Br. p. 2a).

Respondent school district contractually agreed to "comply with title VI of the Civil Rights Act of 1964 . . .

[3] And see Report of the Human Rights Commission of San Francisco, Bilingual Education in the San Francisco Public Schools, Aug. 9, 1973.

and all requirements imposed by or pursuant to the Regulations" of HEW (45 CFR Pt. 80) which are "issued pursuant to that title . . ." and also immediately to "take any measures necessary to effectuate this agreement." The Federal Government has power to fix the terms on which its money allotments to the States shall be disbursed. *Oklahoma* v. *Civil Service Commission*, 330 U. S. 127, 142–143. Whatever may be the limits of that power, *Steward Machine Co.* v. *Davis*, 301 U. S. 548, 590 *et seq.*, they have not been reached here. Senator Humphrey, during the floor debates on the Civil Rights Act of 1964, said: [4]

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination."

We accordingly reverse the judgment of the Court of Appeals and remand the case for the fashioning of appropriate relief.

Reversed.

MR. JUSTICE WHITE concurs in the result.

[4] 110 Cong. Rec. 6543 (Senator Humphrey quoting from President Kennedy's message to Congress, June 19, 1963.)

SUPREME COURT OF THE UNITED STATES

No. 72-6520

Kinney Kinmon Lau, a Minor by and Through Mrs. Kam Wai Lau, His Guardian ad litem, et al., Petitioners, *v.* Alan H. Nichols et al.	On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[January 21, 1974]

MR. JUSTICE STEWART, with whom THE CHIEF JUSTICE and MR. JUSTICE BLACKMUN join, concurring in the result.

It is uncontested that more than 2,800 school children of Chinese ancestry attend school in the San Francisco Unified School District system even though they do not speak, understand, read, or write the English language, and that as to some 1,800 of these pupils the respondent school authorities have taken no significant steps to deal with this language deficiency. The petitioners do not contend, however, that the respondents have affirmatively or intentionally contributed to this inadequacy, but only that they have failed to act in the face of changing social and linguistic patterns. Because of this laissez faire attitude on the part of the school administrators, it is not entirely clear that § 601 of the Civil Rights Act of 1964, 42 U. S. C. § 2000d, standing alone, would render illegal the expenditure of federal funds on these schools. For that section provides that "[n]o person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under

any program or activity receiving Federal financial assistance."

On the other hand, the interpretive guidelines published by the Office for Civil Rights of the Department of Health, Education, and Welfare in 1970, 35 Fed. Reg. 11595, clearly indicate that affirmative efforts to give special training for non-English speaking pupils are required by Tit. VI as a condition to receipt of federal aid to public schools:

> "Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." [1]

The critical question is, therefore, whether the regulations and guidelines promulgated by HEW go beyond the authority of § 601.[2] Last Term, in *Mourning* v. *Family Publications Service, Inc.*, 411 U. S. 356, 369, we held that the validity of a regulation promulgated

---

[1] These guidelines were issued in further clarification of the Department's position as stated in its regulations issued to implement Tit. VI, 45 CFR pt. 80. The regulations provide in part that no recipient of federal financial assistance administered by HEW may

"Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; [or]

"Restrict an individual in any way in the enjoyment of an advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program."

45 CFR § 80.3 (b)(1)(ii), (iv).

[2] The respondents do not contest the standing of the petitioners to sue as beneficiaries of the federal funding contract between the Department of Health, Education, and Welfare and the San Francisco Unified School District.

under a general authorization provision such as § 602 of Tit. VI [3] "will be sustained so long as it is 'reasonably related to the purposes of the enabling legislation.' *Thorpe* v. *Housing Authority of the City of Durham*, 393 U. S. 268, 280–281 (1969)." I think the guidelines here fairly meet that test. Moreover, in assessing the purposes of remedial legislation we have found that departmental regulations and "consistent administrative construction" are "entitled to great weight." *Trafficante* v. *Metropolitan Life Insurance Co.*, 409 U. S. 205, 210; *Griggs* v. *Duke Power Co.*, 401 U. S. 424, 433–434; *Udall* v. *Tallman*, 380 U. S. 1. The Department has reasonably and consistenly interpreted § 601 to require affirmative remedial efforts to give special attention to linguistically deprived children.

For these reasons I concur in the judgment of the Court.

---

[3] Section 602, 42 U. S. C. § 2000d–1, provides in pertinent part: 'Each Federal department and agency which is empowered to extend Federal assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken . . . ."

The United States as *amicus curiae* asserts in its brief, and the respondents appear to concede, that the guidelines were issued pursuant to § 602.

SUPREME COURT OF THE UNITED STATES

No. 72-6520

Kinney Kinmon Lau, a Minor by and Through Mrs. Kam Wai Lau, His Guardian ad litem, et al., Petitioners, v. Alan H. Nichols et al.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[January 21, 1974]

MR. JUSTICE BLACKMUN, with whom THE CHIEF JUSTICE joins, concurring in the result.

I join MR. JUSTICE STEWART's opinion and thus I, too, concur in the result. Against the possibility that the Court's judgment may be interpreted too broadly, I stress the fact that the children with whom we are concerned here number about 1800. This is a very substantial group that is being deprived of any meaningful schooling because they cannot understand the language of the classroom. We may only guess as to why they have had no exposure to English in their preschool years. Earlier generations of American ethnic groups have overcome the language barrier by earnest parental endeavor or by the hard fact of being pushed out of the family or community nest and into the realities of broader experience.

I merely wish to make plain that when, in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any language other than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute

and the guideline require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.

APPENDIX II

TABLE 1

Number of Non-English-Speaking Pupils in California Public Schools, by Grade and Primary Language, 1972-73

Primary language of non-English-speaking pupils	Number of non-English-speaking pupils, by grade or level													
	K	1	2	3	4	5	6	7	8	9	10	11	12	All
Afrikaans	1													1
Amharic				1		1								2
Arabic	24	15	21	15	16	19	12	18	22	10	11	3	1	187
Armenian	4	7	2	3	4	2	1	2	1	3		2		31
Basque	1													1
Bengali		1												1
Burmese	2	3	1	1	1	2		1	1	1				13
Cambodian	1													1
Chinese	31	20	11	15	19	9	11	8	10	[illegible]	2	4	7	159
Cantonese	181	94	58	60	68	57	61	122	80	144	56	21	15	1,017
Mandarin										2	3	1		6
Danish	1		1	1	5	1		1				2	2	14
Dutch	2	2	3	2	1	5	1	3	1	1		1	1	23
Fijian	1						1							2
Finnish		3								1				4
Flemish								1		1				2
French	18	11	4	6	5	5	3	10		7	3			72
German	8	5	6	8	7	11	2	9	4	5	4	3	2	74
Greek	7	1	3	2	2	2	4	10	10	6	40	19	2	108
Guamanian								1						1
Hawaiian	2									2				4
Hebrew	4	4		2	5	1		1			1			18
Hindustani	6	2	7	4	3	2	2	4	1	2	5			38
Hungarian		1	1		1						1			4
Ilocano			1											1
Italian	19	16	6	12	11	10	7	52	32	42	10	8	1	224
Japanese	100	41	44	40	36	30	30	29	23	35	20	9	11	448
Lithuanian		1												1
Luganda					1									1
Maltese	1		1	1										3
Marshallese								1						1
Okinawan	1													1
Persian		1	3	1	1			2	2	1	1			12
Polish					1					1	1			3
Portuguese	90	75	53	35	43	44	29	40	36	47	37	16	12	556
Punjabi		4	2	3	8		2	7	2					28
Russian			2		6	4			1	2				15
Serbo-Croatian	1	2	1	1	1	1	1		1	1	2			12
Spanish	7,429	6,227	4,195	3,799	3,060	2,830	2,530	3,669	2,989	2,636	2,289	1,234	569	43,456
Swedish	1	2		1		1	1							6
Tagalog	123	116	76	48	54	39	37	30	24	21	27	6	5	606
Thai	5	3	2		5	2	3	6	1		2	3		32
Tongan	10	7	2	3	2	3	6	2	2					37
Turkish					1		1							2
Urdu	1													1
Vietnamese	2	2	3	3	1	1	1			1	1	1	1	17
Yiddish			1					1						2
General group	29	16	24	18	13	16	7	28	84	36	4	3	2	280
TOTALS	8,106	6,682	4,534	4,085	3,381	3,098	2,753	4,038	3,307	3,020	2,520	1,333	631	47,508

TABLE 2

Number of Limited-English-Speaking Students in California Public Schools, by Grade and Primary Language, 1972-73

Primary language of limited-English-speaking pupils	Number of limited-English-speaking pupils, by grade or level													
	K	1	2	3	4	5	6	7	8	9	10	11	12	All
Afrikaans	1			1								1		3
Albanian			1		1									2
Apache				1		1	3	1	2					8
Arabic	61	58	61	55	44	42	48	33	37	37	18	33	17	544
Armenian	7	13	13	20	5	8	17	7	9	10	10	5	5	129
Balinese									1					1
Basque	1	2	2	2	5	4	1	1	1	1				20
Bengali			1											1
Bulgarian				1	1									2
Burmese		6	2	1	3	4		1	1	3	3	2		26
Cherokee		1				1								2
Chinese	59	38	34	28	41	33	18	25	23	17	34	30	28	408
Cantonese	514	545	423	440	421	403	458	242	305	293	453	423	286	5,206
Mandarin	1	1				1		1			1	1		6
Creole	1					1	1							3
Czech	2	1	3	3		2			1	1	1	1		15
Danish	4	1	2	4	5	1		1		2			4	24
Dutch	11	31	9	19	15	17	17	11	12	13	15	10	7	187
Eskimo	2		1							2				5
Fijian		1	1						1	1	3	1	3	11
Finnish	2	1	4					1	4	1				14
Flemish	4													4
French	46	43	39	31	36	42	45	30	20	20	25	23	14	414
German	44	69	54	55	60	58	34	21	32	26	36	21	25	535
Greek	35	37	21	22	30	29	20	13	18	17	9	22	9	282
Guamanian	6	14	7	3	5	5	3	1			3	3		50
Gujarati	1													1
Hawaiian	2	2	2	2	1	2	1	3		3	2	3	4	27
Hebrew	5	6	15	11	18	6	9	8	9	7	2	4		100
Hindustani	31	19	19	14	20	21	23	14	12	9	17	7	9	215
Hungarian	6	2	8	3	1		1	1	2	1	2	1	3	31
Icelandic		1		1	1	1	2			1	1	1	1	10
Ilocano	1		1	1			2	1			1	1		8
Indonesian	5	2	4	3	7	2	4			4	4		4	39
Italian	51	79	87	69	79	60	61	53	53	78	61	43	17	801
Japanese	233	229	218	188	184	137	169	90	113	100	124	134	108	2,027
Korean	87	75	97	83	71	95	76	47	78	93	130	85	50	1,067
Lao												4		4
Latvian	1			3	1									5
Luo	1	1			1									3
Macedonian							1							1
Maltese											1		2	3
Navajo	3			2	3	2	4	8	3	2			1	28
Norwegian	2	4	4	2	3	2		2			1	7		27
Persian	5	7	2	5	6	2	2	3	2	6	6	10	5	61
Polish	3	1	3	1	1	2	2				1			14
Portuguese	253	245	250	237	228	194	198	134	123	99	112	94	59	2,226
Punjabi	29	21	21	15	20	21	16	18	13	10	8	12	11	215
Pushtu	2													2
Romanian	2		1	1		1	1	1						7
Russian	10	20	7	5	9	9	12	3	3	39	6	6	3	132

TABLE 2 (Continued)

Number of Limited-English-Speaking Students in California Public Schools, by Grade and Primary Language, 1972-73

Primary language of limited-English-speaking pupils	Number of limited-English-speaking pupils, by grade or level													
	K	1	2	3	4	5	6	7	8	9	10	11	12	All
Samoan	85	96	85	62	66	28	45	22	28	18	43	23	20	619
Serbo-Croatian	8	11	11	8	8	12	6	1	5	3	3	6	1	83
Spanish	14,356	15,168	13,263	11,717	10,596	9,485	8,274	7,737	7,579	7,489	6,409	4,534	2,827	119,434
Swahili										1			1	2
Swedish	4	2	4	5	5	3	1	3		1			4	32
Tagalog	508	584	486	484	424	384	295	290	248	267	217	175	158	4,528
Thai	19	7	9	13	11	9	9	3	5	4	11	17	22	139
Tongan	6	8	13	13	9	11	4	6	5	14	7	6	5	107
Turkish	2	4	1	1				1	1	2	1			13
Ukrainian				3			1							4
Urdu						1		2	1					4
Vietnamese	3	11	5	2	7	8	3		2	4	8	6		59
Visayan		1			1				1					3
Yiddish	1			1					1		2			5
General group	102	58	65	67	29	29	34	51	61	70	24	25	48	663
TOTALS	16,628	17,526	15,369	13,708	12,482	11,179	9,921	8,901	8,811	8,769	7,815	5,780	3,762	140,651

LR73-16 DE 5764 4-74 1,500

APPENDIX III

CALIFORNIA STATE DEPARTMENT OF EDUCATION
OFFICE OF PROGRAM EVALUATION AND RESEARCH
FALL 1973 RACIAL/ETHNIC SURVEY

SUMMARY OF SELECTED PUPIL DATA ON PUBLIC SCHOOLS BY RACIAL AND ETHNIC GROUPS

STATE TOTALS

		American Indian	Black	Asian American	Spanish Surnamed	All Others	Totals
Number of pupils in membership as of 10/1/73		22,327	433,793	133,717	765,863	3,092,369	4,448,069
	Percent	0.5	9.8	3.0	17.2	69.5	100.
Number of pupils retained this year in same grade		239	6,737	767	10,272	27,799	45,814
	Percent	0.5	14.7	1.7	22.4	60.6	100.
Number of pupils for each grade indicated:							
Grade 3	Number	1,634	33,019	10,318	61,188	212,336	318,495
	Percent	0.5	10.4	3.2	19.2	66.7	100.
Grade 6	Number	1,978	33,984	10,489	60,027	242,048	348,526
	Percent	0.6	9.8	3.0	17.2	69.5	100.
Grade 9	Number	1,755	33,746	10,010	57,147	254,880	357,538
	Percent	0.5	9.4	2.8	16.0	71.3	100.
Grade 12	Number	1,173	22,141	8,828	35,838	213,741	281,721
	Percent	0.4	7.9	3.1	12.7	75.9	100.
Number of pupils in EMR or EMH classes		315	8,642	442	8,083	23,293	40,775
	Percent	0.8	21.2	1.1	19.8	57.1	100.
Number of pupils in TMR or TMH classes		77	1,508	274	2,498	7,754	12,111
	Percent	0.6	12.5	2.3	20.6	64.0	100.
Number of pupils in physically handicapped programs including specific learning disabilities		205	4,682	1,270	9,009	38,459	53,625
	Percent	0.4	8.7	2.4	16.8	71.7	100.
Number of pupils in other special education programs		364	3,718	394	6,310	30,655	41,441
	Percent	0.9	9.0	1.0	15.2	74.0	100.
Total number of pupils in special education		961	18,550	2,380	25,900	100,161	147,952
	Percent	0.7	12.5	1.6	17.5	67.7	100.
Number of pupils transported at public expense							1,014,653

DISTRIBUTION OF SCHOOL AND CENTRAL STAFF

STATE TOTALS

	American Indian	Black	Asian American	Spanish Surnamed	All Others	Totals	Female	Male
School Staff								
Number of principals and assistant principals	65	599	124	453	10,162	11,403	2,318	9,085
Percent	0.6	5.1	1.1	4.0	89.1	100.	20.3	79.7
Number of classroom teachers - elementary	210	5,566	3,072	3,093	87,690	99,631	78,713	20,918
Percent	0.2	5.6	3.1	3.1	88.0	100.	79.0	21.0
Number of classroom teachers - secondary	175	3,383	1,569	2,741	65,303	73,171	28,973	44,198
Percent	0,2	4.6	2.1	3.7	89.2	100.	39,6	60.4
Number of classroom teachers - other	16	584	186	281	5,272	6,339	4,642	1,697
Percent	0.3	9.2	2.9	4.4	83.2	100.	73.2	26.8
Number of other school staff - professional and nonprofessional	269	6,234	1,088	9,008	31,962	48,561	39,940	8,621
Percent	0.6	12.8	2.3	18.5	65.8	100.	82.2	17.8
Total number of school staff	735	16,366	6,039	15,576	200,389	239.105	154,586	84,519
Percent	0.3	6.8	2.5	6.5	83.8	100.	64.7	35.3
District and County Staff								
Number of central professional staff	59	587	227	565	13,400	14,838	6,846	7,992
Percent	0.4	4.0	1.5	3.8	90.3	100.	46.1	53.9

APPENDIX IV

Number of Limited-English Speaking Students in California Public Schools, Primary Language, 1972-73 (Table 2)

Chinese	408
Cantonese	5,206
Mandarin	6
Japanese	2,027
Korean	1,067
Samoan	619
ASIAN LANGUAGE GROUP TOTAL	9,373
SPANISH TOTAL	119,434

Number of Non English Speaking Pupils in California Public Schools by Language, 1972-73 (Table 1)

Chinese	159
Cantonese	1,017
Mandarin	6
Japanese	448
Korean	-0-
Samoan	-0-
ASIAN LANGUAGE GROUP TOTAL	1,630
SPANISH TOTAL	43,456

Appendix 5

STATEWIDE TOTAL OF CLASSROOM TEACHERS

By Racial and Ethnic Groups*

1967 - 1973

Fall, 1973	Black	Asian	Spanish Surname	Other White	TOTAL
Teachers	8,949	4,641	5,834	152,993	172,802
%	5.1	2.1	3.3	88.5	
Fall, 1971					
Teachers	9,144	3,987	4,756	162,066	181,063
%	5.1	2.2	2.6	89.5	
Fall, 1969					
Teachers		(figures not available)			
%					
Fall, 1967					
Teachers	8,137	3,246	4,189	163,523	179,852
%	4.5	1.8	2.3	90.9	
		Increase or Decrease			
1971-1973					
Teachers		+ 654	+1,078	- 10,523	- 15,261
%		16.4	22.6	6.4	8.1
1969-1973					
Teachers		(figures not available)			
%					
1967-1973					
Teachers		+1,395	+1,665	- 10,531	- 7,050
%		42.9 (7.15)**	39.7 (6.61)**	6.4 (1.0)**	3.9 (.65)**

* Professional Staff at Public Schools
Ethnic and Racial Survey, California Public Schools

** Average Annual Growth

Prepared by: Anthony Salamanca
6/74

STATEWIDE TOTAL PUPIL ENROLLMENT, K-12

By Racial and Ethnic Groups*

Fall, 1973	Black	Asian	Spanish Surname	Other White	TOTAL
Pupil Totals	433,793	133,717	765,863	3,092,369	4,448,069
%	9.8	3.0	17.2	69.5	
Fall, 1971					
Pupil Totals	422,945	97,978	725,227	3,230,106	4,545,279
%	9.3	2.2	16.0	71.1	
Fall, 1969					
Pupil Totals	404,272	96,845	684,432	3,325,287	4,559,609
%	8.9	2.1	15.0	72.9	
Fall, 1967					
Pupil Totals	372,150	91,455	616,226	3,308,878	4,432,045
%	8.4	2.1	13.9	74.7	

Increase or Decrease

1967-1973					
Enrollment	+61,643	+42,262	+151,637	-216,509	+ 16,024
%	+ 16.5	+ 46.2	+ 24.6	- 6.5	+ .3
1969-1973					
Enrollment	+29,521	+36,872	+ 81,431	-232,918	- 111,540
%	+ 7.0	+ 38.0	+ 11.8	- 7.0	- 2.4
1971-1973					
Enrollment	+10,848	+35,739	+ 40,636	-137,737	- 97,210
%	+ 2.5	+ 36.4	+ 5.6	- 4.2	- 2.1

*Pupil Enrollment
Ethnic and Racial Survey, California Public Schools

Prepared by: Anthony Salamanca
6/74